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9 Attorneys for Defendant  
10 PLAYTEX PRODUCTS, INC.

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DAVID PAZ, an individual and on  
14 behalf of all others similarly  
15 situated,

16 Plaintiff,

17 vs.

18 PLAYTEX PRODUCTS, INC., a  
19 Delaware Corporation, and Does 1  
20 through 100, inclusive

21 Defendants.

CASE NO.: 07CV2133 JM (BLM)

Honorable Jeffrey T. Miller  
Courtroom 16

**JOINT MOTION TO CONTINUE  
THE DECEMBER 28, 2007  
HEARING ON DEFENDANT  
PLAYTEX PRODUCTS, INC.'S  
MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT;  
[PROPOSED] ORDER**

New  
Hearing Date: January 18, 2008  
Time: 1:30 p.m.  
Courtroom: 16

Date of Removal: November 7, 2007  
Trial Date: None

22 TO THIS HONORABLE COURT, ALL PARTIES AND THEIR  
23 ATTORNEYS OF RECORD:

24 Plaintiff David Paz ("Plaintiff") and Defendant Playtex Products, Inc.  
25 ("Playtex") (collectively, "the Parties"), hereby jointly move this Court for an Order  
26 continuing the December 28, 2007 hearing on Playtex's Motion to Dismiss  
27 Plaintiff's Complaint to January 18, 2008, at 1:30 p.m., in Courtroom 16 of the  
28 above-entitled Court, located at 940 Front Street, San Diego, California, 92101.

1 The Parties also request that the briefing schedule on Playtex's Motion to Dismiss  
2 be continued in accordance with Civil Local Rule 7.1(e)(2) and the new hearing  
3 date.

4 Pursuant to the signed stipulation between the Parties, attached hereto as  
5 Exhibit "A," good cause exists to grant this Joint Motion on the following grounds:

- 6 1. This case was originally filed in the Superior Court of  
7 California, County of San Diego, on September 28, 2008. On  
8 November 7, 2007, Playtex removed the action to the United  
9 States District Court for the Southern District of California,  
10 pursuant to 28 U.S.C. §§1332, 1441, 1446, and 1453.
- 11 2. On November 13, 2007, Playtex filed a Motion to Dismiss  
12 Plaintiff's Complaint pursuant to Federal Rule of Civil  
13 Procedure 12(b)(6). Playtex's Motion is currently scheduled to  
14 be heard on December 28, 2007.
- 15 3. On the same day that Playtex filed its Motion to Dismiss,  
16 Plaintiff filed a Motion to Remand the action to the San Diego  
17 County Superior Court. The hearing on Plaintiff's Motion to  
18 Remand was scheduled for December 14, 2007.
- 19 4. On December 11, 2007, the parties received notice that the  
20 Court has taken Plaintiff's Motion to Remand under submission,  
21 and the Court vacated the December 14, 2007, hearing date.
- 22 5. Accordingly, since the Court has yet to rule upon Plaintiff's  
23 Motion to Remand, and in the interests of judicial economy, the  
24 parties agree and request an Order, pursuant to Civil Local Rules  
25 7.1(g)(2) and 7.2, to continue the hearing on Playtex's Motion to  
26 Dismiss.

27 For the reasons set forth herein, the Parties respectfully request that this  
28 Court continue the December 28, 2007 hearing on Playtex's Motion to Dismiss to

1 January 18, 2008, at 1:30 p.m. in Courtroom 16 of the above-entitled Court, and  
2 continue the briefing schedule for the Motion to Dismiss in accordance with Civil  
3 Local Rule 7.1(e)(2) and the January 18, 2008 hearing date.

4  
5 Dated: December 14, 2007

SNELL & WILMER L.L.P.

6  
7 By: //s//Samantha K. Feld

8 Ellen L. Darling  
9 Samantha K. Feld  
10 Attorneys for Defendant  
11 PLAYTEX PRODUCTS, INC.  
12 sfeld@swlaw.com

13 Dated: December 14, 2007

DEL MAR LAW GROUP, L.L.P.

14  
15 By: //s//John H. Donboli

16 John H. Donboli  
17 Attorney for Plaintiff  
18 DAVID PAZ  
19 jdonboli@delmarlawgroup.com  
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9 Attorneys for Defendant  
10 PLAYTEX PRODUCTS, INC.

11 UNITED STATES DISTRICT COURT  
12 SOUTHERN DISTRICT OF CALIFORNIA

13 DAVID PAZ, an individual and on  
14 behalf of all others similarly  
15 situated,

16 Plaintiff,

17 vs.

18 PLAYTEX PRODUCTS, INC., a  
19 Delaware Corporation, and Does 1  
20 through 100, inclusive

21 Defendants.

CASE NO.: 07CV2133 JM (BLM)

Honorable Jeffrey T. Miller  
Courtroom 16

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE THE  
DECEMBER 28, 2007 HEARING ON  
DEFENDANT PLAYTEX  
PRODUCTS, INC.'S MOTION TO  
DISMISS PLAINTIFF'S  
COMPLAINT**

Date of Removal: 11/07/07  
Trial Date: None

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1 Defendant Playtex Products, Inc. ("Playtex") and Plaintiff David Paz  
2 ("Plaintiff"), through their respective counsel of record, hereby stipulate and agree  
3 to the following:

4 1. This case was originally filed in the Superior Court of California,  
5 County of San Diego, on September 28, 2008. On November 7, 2007, Playtex  
6 removed the action to the United States District Court for the Southern District of  
7 California, pursuant to 28 U.S.C. §§1332, 1441, 1446, and 1453.

8 2. On November 13, 2007, Playtex filed a Motion to Dismiss Plaintiff's  
9 Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). That Motion is  
10 scheduled to be heard on December 28, 2007.

11 3. On the same day that Playtex filed its Motion to Dismiss, Plaintiff  
12 David Paz filed a Motion to Remand the action to the San Diego County Superior  
13 Court. The hearing on Plaintiff's Motion to Remand was scheduled for December  
14 14, 2007.

15 4. On December 11, 2007, the parties received notice that the Court has  
16 taken Plaintiff's Motion to Remand under submission, and the Court vacated the  
17 December 14, 2007 hearing date.

18 5. Accordingly, since the Court has not yet ruled upon Plaintiff's Motion  
19 to Remand, and in the interests of judicial economy, the parties agree and request  
20 an Order, pursuant to Civil Local Rules 7.1(g)(2) and 7.2, to continue the hearing  
21 on Playtex's Motion to Dismiss to January 18, 2008, at 1:30 p.m., in the above-  
22 referenced Court.

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1 **IT IS SO STIPULATED.**

2  
3 Dated: December 14, 2007

SNELL & WILMER L.L.P.

4  
5 By: S. Feld

6 Ellen L. Darling  
7 Samantha K. Feld  
8 Attorneys for Defendant  
9 PLAYTEX PRODUCTS, INC.

10 Dated: December 12, 2007

Del Mar Law Group, L.L.P.

11  
12 By: [Signature]

13 John H. Donboli  
14 Attorney for Plaintiff  
15 DAVID PAZ

16  
17 **IT IS SO ORDERED.**

18  
19 Honorable Jeffrey T. Miller  
20 United States District Judge  
21 Southern District of California  
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Snell & Wilmer

LLP  
LAW OFFICES  
600 Anton Boulevard, Suite 1400  
Costa Mesa, California 92626-7689  
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**PROOF OF SERVICE**

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, California 92626.

On December 14, 2007, I served, in the manner indicated below, the foregoing document described as:

**JOINT MOTION TO CONTINUE THE DECEMBER 28, 2007 HEARING ON DEFENDANT PLAYTEX PRODUCTS, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT; [PROPOSED] ORDER**

on the interested parties in this action:

<b>PLAINTIFF COUNSEL</b>	John H. Donboli, Esq. J.L. Sean Slattery, Esq. Del Mar Law Group, LLP 322 Eighth Street, Suite 101 Del Mar, California 92014 858.793.6244 858.793.6005, fax
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X BY E-FILING: I caused such document to be sent electronically to the court; pursuant to the Southern District of California Electronic Case Filing Administrative Policies and Procedures, Section 2.d., electronic filing constitutes service upon the parties.

X FEDERAL: I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

EXECUTED on December 14, 2007, at Costa Mesa, California.

//s//Cheryl Wynn  
Cheryl Wynn